

REMARKS

Claims 21-40 are pending in this application. By this Amendment, the specification and claims 21-22, 27, 30-31, and 37 are amended, and new claim 40 is added. The specification has been amended to include further explanatory information regarding the “recognition data,” which was inadvertently omitted from the translation of the priority document filed as the original application. A certified translation of the relevant portion of the priority document is also attached. No new matter is added. Support for the amendments can be found throughout the specification, including the original claims, and the drawings. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance for the reasons discussed herein; (2) do not raise any new issues requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter; (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal, if necessary. Entry is thus requested.

The Office Action rejected claims 21, 23-26, 30, 33-37, and 39 under 35 U.S.C. §102(e) as being anticipated by Wendelrup, U.S. Patent Publication No. 2002/0023099. It is assumed that the Examiner also intended to reject claim 32. The rejection is respectfully traversed.

Independent claim 21 has been amended to recite, *inter alia*, combining the input receiver information and data information for identifying the selected compressed digital data file and

transmitting the combined information to a receiver terminal, and determining a transmission path of the selected compressed data file according to a state of the receiver terminal. Independent claim 30 has been amended to recite, *inter alia*, transmitting data for identifying and the selected compressed data file to a receiver terminal, the data for identifying having a file information of the compressed digital data. Independent claim 37 recites, *inter alia*, a controller to control a flow of digital data, wherein the controller determines whether received digital data includes recognition data to recognize a compressed data file. Wendelrup does not disclose or suggest such features, or the respective claimed combinations of independent claims 1, 30, and 37.

Further, the specification has been amended to further clarify the recognition data, or data information for identifying the compressed data file. The language added to paragraph 32 is not new matter, but rather, a more accurate and complete translation of the relevant portion of the priority document. A certified translation is provided for the translated portion of the priority document.

For example, with the claimed embodiment of independent claim 21, data information for identifying a selected compressed data digital file is transferred to a receiver terminal and then a transmission path of the selected compressed data file is determined based on a state of the receiver terminal. In this way, an appropriate transmission path is selected and the receiver terminal receives in advance, or in addition to the selected compressed digital data file, information for identifying the selected compressed digital data file. In the embodiment of

independent claim 30, data for identifying and the selected compressed data file are transmitted to a receiver terminal, the data for identifying including file information of the compressed digital data. With the embodiment of independent claim 37, the controller of a digital data terminal determines whether received digital data includes recognition data to recognize a compressed data file.

As set forth above, Wendelrup does not disclose or suggest such features or the respective claimed combinations of independent claims 21, 27, and 30. Rather, Wendelrup teaches, for example in Figure 4, displaying a list of MPEG 3 files and then selecting one of these files for transmission. The Examiner is directed to paragraphs 40 and 41 which discuss Figure 4. There is no disclosure or suggestion of combining the input receiver information and data information for identifying the selected compressed digital data file and transmitting the combined information to a receiver terminal, and determining a transmission path of the selected compressed data file according to a state of the receiver terminal, as recited in independent claim 21. Further, there is no disclosure or suggestion of transmitting data for identifying and the selected compressed data file to a receiver terminal, the data for identifying having a file information of the compressed digital data, as recited in independent claim 30. Additionally, there is no disclosure or suggestion of a controller to control a flow of digital data, wherein the controller determines whether received digital data includes recognition data to recognize a compressed data file as recited in independent claim 37.

Accordingly, the rejection of independent claims 21, 30, and 37 over Wendelrup should be withdrawn. Dependent claims 23-26, 32-36, and 39 are allowable at least for the reasons discussed above with respect to independent claims 21, 30, and 37, from which they respectively depend, as well as for their added features.

The Office Action rejected claim 27 under 35 U.S.C. §103(a) as being unpatentable over Wendelrup in view of Kim, U.S. Patent Publication No. 2004/0110545. The rejection is respectfully traversed.

Independent claim 27 recites, *inter alia*, a controller for controlling flow of the digital data, wherein the controller includes a data discriminating function to discriminate whether the digital data received by the wireless transmitting/receiving unit includes recognition data having a file information of the compressed digital data. As set forth above, Wendelrup does not disclose or suggest such features. Further, Wendelrup does not disclose or suggest the claimed combination of independent claim 27. Kim fails to overcome the deficiencies of Wendelrup as Kim is merely cited for teaching an input device comprising a key pad. Accordingly, the rejection of independent claim 27 over Wendelrup in view of Kim should be withdrawn.

The Office Action rejected claims 22, 31, and 38 under 35 U.S.C. §103(a) as being unpatentable over Wendelrup in view of Fell et al. (hereinafter “Fell”), U.S. Patent Publication No. 2004/0092251. The rejection is respectfully traversed.

Dependent claims 22, 31, and 38 are allowable over Wendelrup for the reasons set forth above with respect to independent claims 21, 30, and 37, from which they respectively depend, as

well as for their added features. Fell fails to overcome the deficiencies of Wendelrup as it is merely cited to teach recognition data including capacity of a file. Accordingly, the rejection of claims 22, 31, and 38 over the Wendelrup-Fell combination should be withdrawn.

The Office Action rejected claims 28 and 29 under 35 U.S.C. §103(a) as being unpatentable over Wendelrup and Kim in view of Fell. The rejection is respectfully traversed.

Claims 28-29 are allowable over Wendelrup in view of Kim for the reasons set forth above with respect to independent claim 27, from which they depend, as well as for their added features. Further, the Examiner argues that Wendelrup teaches “the recognition code informing transmission of the compressed digital data file, and a type, and name of the data file” referring to Figs. 4 and 5. However, Figs. 4 and 5 of Wendelrup merely teach that a list of MP3 files are listed for a user to select from by clicking a cursor. The Examiner is directed to paragraphs 40-43 of Wendelrup.

Fell fails to overcome the deficiencies of the Wendelrup-Kim combination, as it is merely cited to teach recognition data including capacity of a file. Further, there would have been no motivation to modify the Wendelrup-Kim combination in view of Fell, as the Wendelrup-Kim combination fails to disclose or suggest recognition data.

For these reasons, the rejection of claims 28-29 over the Wendelrup-Kim-Fell combination should be withdrawn.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes

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would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Carol L. Druzbick, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Daniel Y.J. Kim
Registration No. 36,186
Carol L. Druzbick
Registration No. 40,287

Attachment: Certified Translation of portion of priority document

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 766-3701 DYK:CLD/kah

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Please direct all correspondence to Customer Number 34610